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SENATE BILL NO. 1234

AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Education and Health
 on February 2, 2017)

(Patrons Prior to Substitute—Senators Dunnavant and Surovell [SB 1346])

A BILL to amend and reenact §§ 23.1-203, 23.1-907, and 23.1-908 of the Code of Virginia, relating to public institutions of higher education; transferable credits.

Be it enacted by the General Assembly of Virginia:

1. That §§ 23.1-203, 23.1-907, and 23.1-908 of the Code of Virginia are amended and reenacted as follows:

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to

60 establish, whether located on or off the main campus of such institution. If any organizational change is
61 determined by the Council to be proposed solely for the purpose of internal management and the
62 institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing
63 in this subdivision shall be construed to authorize the Council to disapprove the establishment of any
64 such department, school, college, branch, division, or extension established by the General Assembly.

65 8. Review the proposed closure of any academic program in a high demand or critical shortage area,
66 as defined by the Council, by any public institution of higher education and assist in the development of
67 an orderly closure plan, when needed.

68 9. Develop a uniform, comprehensive data information system designed to gather all information
69 necessary to the performance of the Council's duties. The system shall include information on
70 admissions, enrollment, self-identified students with documented disabilities, personnel, programs,
71 financing, space inventory, facilities, and such other areas as the Council deems appropriate. When
72 consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.),
73 the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the
74 Council, acting solely or in partnership with the Virginia Department of Education or the Virginia
75 Employment Commission, may contract with private entities to create de-identified student records in
76 which all personally identifiable information has been removed for the purpose of assessing the
77 performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

78 10. In cooperation with public institutions of higher education, develop guidelines for the assessment
79 of student achievement. Each such institution shall use an approved program that complies with the
80 guidelines of the Council and is consistent with the institution's mission and educational objectives in
81 the development of such assessment. The Council shall report each institution's assessment of student
82 achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

83 11. In cooperation with the appropriate state financial and accounting officials, develop and establish
84 uniform standards and systems of accounting, recordkeeping, and statistical reporting for public
85 institutions of higher education.

86 12. Review biennially and approve or disapprove all changes in the inventory of educational and
87 general space that any public institution of higher education proposes and report such approvals and
88 disapprovals to the Governor and the General Assembly. No such change shall become effective until 30
89 days after the adjournment of the session of the General Assembly next following the filing of such
90 report.

91 13. Visit and study the operations of each public institution of higher education at such times as the
92 Council deems appropriate and conduct such other studies in the field of higher education as the Council
93 deems appropriate or as may be requested by the Governor or the General Assembly.

94 14. Provide advisory services to each accredited nonprofit private institution of higher education
95 whose primary purpose is to provide collegiate or graduate education and not to provide religious
96 training or theological education on academic, administrative, financial, and space utilization matters.
97 The Council may review and advise on joint activities, including contracts for services between public
98 and such private institutions of higher education or between such private institutions of higher education
99 and any agency or political subdivision of the Commonwealth.

100 15. Adopt such policies and regulations as the Council deems necessary to implement its duties
101 established by state law. Each public institution of higher education shall comply with such policies and
102 regulations.

103 16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and
104 Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's
105 academic and disciplinary record to a student's parent.

106 17. Require each institution of higher education formed, chartered, or established in the
107 Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of
108 institutional closure or revocation of approval to operate in the Commonwealth. An institution may
109 ensure the preservation of student transcripts by binding agreement with another institution of higher
110 education with which it is not corporately connected or in such other way as the Council may authorize
111 by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth
112 revoked, the Council, through its director, may take such action as is necessary to secure and preserve
113 the student transcripts until such time as an appropriate institution accepts all or some of the transcripts.
114 Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts
115 or authorize disclosure of student records except as may otherwise be authorized by law.

116 18. Require the development and submission of articulation, dual admissions, and guaranteed
117 admissions agreements between associate-degree-granting and baccalaureate public institutions of higher
118 education.

119 19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee
120 Studying Higher Education Funding Policies for each public institution of higher education.

121 20. *In consultation with each public institution of higher education, develop a passport credit*

program to be offered at each associate-degree-granting public institution of higher education. Such program shall ensure that each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education.

21. In consultation with each public institution of higher education, develop a one-year uniform certificate of general studies program to be offered at each comprehensive community college. Such program shall consist of passport credits established pursuant to subdivision 20 and shall ensure that a comprehensive community college student who completes the one-year certificate program is eligible to transfer all credits earned in academic subject coursework to a baccalaureate public institution of higher education upon acceptance to such baccalaureate institution.

~~21.~~ *22. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.*

22. *23. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.*

~~23.~~ *24. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.*

24. *25. Serve as the coordinating council for public institutions of higher education.*

~~25.~~ *26. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.*

~~26.~~ *27. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.*

~~27.~~ *28. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.*

~~28.~~ *29. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.*

~~29.~~ *30. Assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Article 8 (§ 23.1-3130 et seq.) of Chapter 31.*

§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education.

B. The Council and each public institution of higher education shall develop and implement a passport credit program that shall be offered at each associate-degree-granting public institution of higher education. In developing the program, the Council and each public institution of higher education shall establish a curriculum and standards for each passport credit course. Any course that does not meet or exceed the standards developed under the program shall not be deemed a passport credit course. Such passport credit program shall require that it is the responsibility of the course provider to ensure a passport credit course meets the standards of the program.

Each passport credit course shall satisfy a lower division general education requirement at any public institution of higher education. Any student who completes a passport credit course at an associate-degree-granting public institution of higher education shall be permitted to transfer all such credit hours earned to any public institution of higher education to which the student has been admitted and apply such credit hours toward the general education requirements at such institution.

C. The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision ~~20~~ 21 of § 23.1-203. Such program shall consist of passport credit courses developed in accordance with subsection B. All passport credits earned in academic subject coursework by students attending an associate-degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines.

183 C. D. The Council shall prepare an annual report on the pertinent aspects of the pipeline of students
184 transferring from comprehensive community colleges to baccalaureate public institutions of higher
185 education.

186 D. E. The Council, consistent with its responsibility to facilitate the development of articulation, dual
187 admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop
188 guidelines for such agreements.

189 E. F. Each comprehensive community college shall develop agreements for postsecondary degree
190 attainment with the public high schools in the school divisions that such comprehensive community
191 college serves specifying the options for students to complete an associate degree or a one-year Uniform
192 Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the
193 credit available for dual enrollment courses and Advanced Placement courses with qualifying exam
194 scores of three or higher.

195 **§ 23.1-908. State Transfer Tool.**

196 A. The Council shall develop, in cooperation with each public institution of higher education, a State
197 Transfer Tool that designates each general education course that is offered in an associate degree
198 program at an associate-degree-granting public institution of higher education and transferable for course
199 credit to a baccalaureate public institution of higher education.

200 In developing the State Transfer Tool, the Council shall also seek the participation of private
201 institutions of higher education.

202 B. The Council shall develop guidelines to govern the development and implementation of
203 articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting
204 public institutions of higher education and baccalaureate public institutions of higher education. Dual
205 admissions agreements shall set forth (i) the obligations of each student accepted to such a program,
206 including grade point average requirements, acceptable associate degree majors, and completion
207 timetables, and (ii) the extent to which each student accepted to such a program may access the
208 privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are
209 subject to the admissions requirements of the baccalaureate public institutions of higher education.

210 C. The Council shall develop and make available to the public information identifying all *passport*
211 *credit courses and other* general education courses offered at associate-degree-granting public institutions
212 of higher education and designating those that are transferable for course credit at baccalaureate public
213 institutions of higher education and baccalaureate private institutions of higher education.

214 **2. That the State Council of Higher Education for Virginia shall develop, in consultation with**
215 **public institutions of higher education, a passport credit program as required by this act by July**
216 **1, 2020, and each associate-degree-granting public institution of higher education shall offer such**
217 **program by the 2020-2021 academic year. The Council shall provide, by July 1, 2019, to the**
218 **Senate Committee on Education and Health and the House Committee on Education the Council's**
219 **plan to develop the passport credit course curriculum and standards, strategies for implementation**
220 **of the passport credit program, and an analysis of any potential passport credit courses being**
221 **considered.**